

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 14, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRIAN KEITH HOLLENBECK,  
Plaintiff,

v.

OZZIE KNEZOVICH; CRAIG MIDEL;  
and HOMELAND SECURITY,  
Defendants.

No: 2:22-CV-00294-SAB

**ORDER DISMISSING ACTION**

By Order filed March 1, 2023, the Court advised Plaintiff Brian Keith Hollenbeck of the deficiencies with his First Amended Complaint (“FAC”) and directed him to amend or voluntarily dismiss within thirty (30) days. ECF No. 9. Plaintiff, who is not currently incarcerated, is proceeding *pro se* and has paid the filing fee for this action. Defendants have not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order, the Court would dismiss his FAC, which alleges a violation of his Fourth Amendment rights. ECF No. 8 at 4, 9; ECF No. 9 at 5–7. As of the date of this Order, Plaintiff has not filed an amended complaint.

Plaintiff’s FAC does not comply with Rule 8(a) of the Federal Rules of Civil Procedure, which requires that a complaint must contain “a short and plain

**ORDER DISMISSING ACTION \*1**

1 statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ.  
2 P. 8(a)(2). Moreover, Plaintiff appears to name the United States Department of  
3 Homeland Security as a Defendant to this action, but the United States and its  
4 agencies are immune from suit absent a waiver of sovereign immunity. ECF No. 8  
5 at 1, 3; ECF No. 9 at 2 (citing *FDIC v. Meyer*, 510 U.S. 471 (1994).) Plaintiff also  
6 failed to assert any facts to explain how any of the named Defendants purportedly  
7 violated his constitutional rights. ECF No. 9 at 4–5.

8 Plaintiff did not comply with the Court’s Order and has filed nothing further  
9 in this action. Therefore, for the reasons set forth above and in the Court’s prior  
10 Order, ECF No 9, **IT IS ORDERED:**

11 1. The First Amended Complaint, ECF No. 8, is **DISMISSED without**  
12 **prejudice** for failure to state a claim upon which relief may be granted under 28  
13 U.S.C. § 1915A(b)(1).

14 **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this  
15 Order, enter judgment, provide copies to Plaintiff, and **CLOSE** the file.

16 **DATED** this 14th of April 2023.



18 A handwritten signature in blue ink, reading "Stanley A. Bastian".

19 Stanley A. Bastian  
20 Chief United States District Judge  
21